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HYDERABAD, THURSDAY, FEBRUARY 22, 2018.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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REVENUE NOTIFICATIONS

TELANGANA STATE WAQF BOARD, HYDERABAD.

NOTIFICATION

The Board has sent a notification dated: 25.01.2018 for publication instead of Notifying the entire notification only last para captioned as notification was published. Whereas entire facts has to be published in Gazette to support the notification.

The Previous notification published at P.No. 53 in the weekly Gazette P-II/dt: 08-02-2018 which was incomplete. Hence the following Notification is hereby republished.

NOTIFICATION DECLARING ALAMGIRI MOSQUE, GRAVEYARD AND EIDGAH TOGETHER WITH ITS ATTACHED LAND IN SY.NO. 1 TO 9 COMPRISING AN EXTENT OF AC. 90.17 GNT. SITUATED AT GUTTALA BEGUMPET, R.R. DISTRICT AS WAQF IN EXERCISE OF POWERS CONFERRED UNDER SECTION 40 OF THE WAQF ACT READ WITH THE ORDERS DATED: 09.01.2017 OF THE HON'BLE SUPREME COURT OF INDIA IN CIVIL APPEAL NO. 268-278 OF 2017.

F.No. 21/L4(a)/RR/2016.- Whereas the property under subject matter consisting of Alamgiri Masjid / Mosque, Idgah and graveyard is reported to be a Waqf, the land being gifted by the then Moghal Emperor Aurangzeb for maintenance of the Alamgiri Masjid, Idgah and graveyard, which has been maintained by successive caretakers. One Mirza Qasim Sahab was recorded as Pattedar in Sethwar of 1958 and 1960, but the record was tampered and changed without any proceedings or authority, and name of D' Costa was written without assigning any reasons for the change.

The said Qasim Sahab executed Towalith Nama in favour of one Shaik Imam as Mutawalli who in turn constituted a committee headed by Shaik Abdul Khader and submitted an application for registration of the waqf property under section 25 of the Waqf Act and the same was complied with. Muslims offer their regular prayers in Alamgiri Masjid burying the Muslim dead bodies in the graveyard and perform Eid prayers at every Eid.

Whereas in respect of claims that one Col. Cox had alienated the land, the Joint Collector, R.R.Dist., had passed common orders dated: 29.12.2001 in file Nos.D5/7641/1997 & D5/6307/1999 under the provisions of ROR Act, holding that Col. Cox was not having any other land except an extent of Ac.22^{1/2}-00 in Sy.No.63 of Guttala Begumpet Village and therefore he had no right and title to alienate any other land, much less land in Sy.No. 1 to 9 of Guttala Begumpet Village.

Whereas with reference to the orders of the Land Grabbing Court, in LGCs No.151/1996 & 155/1996, the provisions under ULC Act, 1976 & the Land Reforms Act, 1973, the Hon'ble High Court (DB) had passed judgement dated 03.12.2010 in WA Nos.215, 578, 625/2002, WP No. 26553/2003 & CC No. 401/2008, holding "It is well settled that mere extension of master plan will not become the agricultural land into vacant land, which will depend upon the declaration of utility either commercial or residential zone. Therefore unless the said land is declared as vacant land under the ULC Act the provisions of Land Reforms Act alone will apply. In the absence of any evidence adduced by the parties to the effect that it is declared as vacant land, any gift by Ramalingeswara Rao in favour of 3rd Respondent - Society, which is validated under ROR Act, is void ab initio in view of statutory bar contained U/S. 17 of the Land Reforms, Act, referred to above. The Land Grabbing Court has not considered the statutory bar contained U/S. 17 of the Land Reforms Act and upheld the validation made U/S.5(A) of ROR Act in favour of Respondents 3, 4 & 5. Therefore, no title will pass to the 3rd Respondent - Society or 4th & 5th Respondents under the validated gift deed dated: 05.10.1973 and unregistered agreements of sale with possession dated: 11.04.1964 & 20.04.1964, which were subsequently validated U/S.5-A of the ROR Act on the basis of the decrees obtained in the suits" whereas review petitions filed by different individuals aggrieved by the common orders of the Hon'ble High Court dated: 03.12.2010 were allowed and the said orders in the review applications were on appeal set aside by the Hon'ble Supreme Court in Civil Appeals Nos. 268-278/2017 holding that it was not permissible for the High Court to go into the question of title in review proceedings.

Whereas the Hon'ble Supreme Court of India has passed orders on 09.01.2017 in Civil Appeal No. 268-278/2017 and set aside the orders dated: 18.04.2016 of the Hon'ble High Court by which the review petitions were allowed holding that it was not permissible for the High Court to go into the question of title in review proceedings. The Hon'ble Division Bench comprising the Review Court, had concluded that title having been upheld by the LGC Court, requiring the parties to get title declared afresh was not required. However, as the Hon'ble Supreme Court held that it was not permissible for the High Court to go into the question of title in review proceedings, that part of the order of the Hon'ble Division Bench comprising the Review Court was thus not upheld.

Whereas the Hon'ble Supreme Court while dismissing C.C.No.19118-19122/2015, by order dated: 09.01.2017 granted liberty to the Waqf Board to issue fresh notification in accordance with Law.

Whereas accordingly pursuant to the liberty granted by the Hon'ble Supreme Court read with Section 40 of the Waqf Act 1995 a fresh general notice of intent to conduct proceedings for issuance of such Notification was placed in newspapers, informing public in general and all others concerned that the Waqf Board intends to notify the Alamgiri Mosque, Graveyard and Eidgah together its attached land in Sy.No. 1 to 9 comprising an extent of Ac. 90.17 gnt. situated at Guttala Begumpet, R.R.Dist as Waqf, and calling for objections from interested persons.

Whereas the said notification was published in prominent daily newspapers Deccan Chronicle, Namaste Telangana, Eenadu, Siasat, Etemaad, Munsif and Rahnuma-e-Deccan dated: 15.04.2017. Claims and objections were also called for from the persons interested in the said land.

Whereas in response to the said notification various individuals filed objection petitions/representations claiming to have purchased different extents of land in the above said survey numbers of Guttala Begumpet Village through registered Sale Deeds but despite giving them opportunity adjourning the matter time and again they failed to produce copies of the Link Documents in respect of the origin or claim of person/s shown as their predecessors in title of the lands in question.

Whereas the documentary evidence filed by the claimant's/objection petitioner does not show that the parties shown as the claimant's/objection petitioner's predecessor/s in title in respect of the land in question had any valid title to the land claimed by the objection petitioner, and therefore the parties shown as the claimant's/objection petitioner's predecessor/s in title could not have passed on or conveyed any legal title to the claimant/objection petitioner.

The examination of the record shows that the documents furnished do not establish the title of the vendor/vendors of the claimant/objection petitioner in respect of the land claimed to have been purchased by the claimant/objection petitioner and the said claim cannot therefore be sustained.

The matter was placed before the Board in its meeting held on 25.11.2017. The Board examined the entire matter at length and unanimously resolved to declare the Alamgiri Masjid, Graveyard and Eidgah together with its attached land in Sy.No. 1 to 9 comprising an extent of Ac. 90.17 gnt. situated at Guttala Begumpet, R.R.Dist as Waqf, rejecting the claims of the objection petitioners as being legally unenable in absence of any antecedent title in the objection petitioner's claimed predecessors.

Therefore pursuant to the resolution of the Board dated: 25.11.2017 and subject to the result of W.P.No. 19424 of 2017 in which the newspaper publication was the basis for challenge and the Hon'ble High Court observed the process could continue and the finality would be subject to the result of the writ petition, in exercise of its powers conferred under section 40 of the Waqf Act read with the orders dated: 09.01.2017 of the Hon'ble Supreme Court of India in Civil Appeals Nos. C.C.No. 19118-19122/2015, that Alamgiri Masjid, Graveyard And Eidgah together with its attached land in Sy.No. 1 to 9 comprising an extent of ac. 90.17 gnt. situated at Guttala Begumpet, RR Dist are hereby declared as waqf.

The Hon'ble Division Bench of the Hon'ble High Court having (in judgement that was sought to be reviewed) held that the title of either parties would be subject to declaration made by a competent Court in a properly constituted suit or other proceeding. That course remains open to any person/s who may be aggrieved by the Notification of the Board.

In exercise of powers conferred Under section 40 of the Waqf Act 1995 read with orders of the Hon'ble Apex Court of India in C.C.No. 19118-19122/2015, dated: 09.01.2017 and resolution No. 304/2017 dated 25-11-2017 of the Telangana State Waqf Board, Alamgiri Masjid, Graveyard And Eidgah together with its attached land in Sy.No. 1 to 9 comprising an extent of ac. 90.17 gnt. situated at Guttala Begumpet, RR Dist bounded by

North : Survey No. 10
South : Abadi Sy.No. 60
East : Sy.Nos. 32, 33, 39, 40
West : Boundary of Khanamet.

are hereby declared as waqf.

Hyderabad,
19-02-2018.

(Sd/-),
Chief Executive Officer,
Telangana State Waqf Board,
Hyderabad.

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